

REMARKS

Claims 1-4 and 7-9 are pending in the present application and have been rejected as follows. Claims 1-4 and 7-9 have been rejected under 35 U.S.C. §112, second paragraph. Claims 1-4 were rejected under 35 U.S.C. §101, as being inoperative and therefore lacking utility. Claims 1-4 and 7-9 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,781,972 (Anderlind) in view of U.S. Patent No. 6,662,226 (Wang).

Claims 12 and 13 have been added, no new matter has been added.

Regarding the rejection of Claims 1 and 7 under 35 U.S.C. §112, second paragraph, it is respectfully submitted that the Examiner is incorrect. With reference to the rejection under §112, second paragraph, of Claim 7, the Examiner states that it is unclear how to determine the type of captured display data. It is believed that the Examiner is incorrect, as it is clear that it can be readily understood how to distinguish the data types, with particular reference to the paragraphs beginning on line 22, page 6 and line 5, page 3. Accordingly, it is respectfully submitted that there is sufficient support for the claimed subject matter. Regarding the Examiner's rejection of Claim 1, the Examiner states that this claim is rejected for the same reasons as stated above with regard to the rejection of Claim 7, and additionally states it is unclear whether the comparison can be used to determine the type of data given that both types of data are the "same" size. It is respectfully submitted that the data is compared to a predetermined threshold which can be set to correspond with the expected data types. Moreover, the Examiner has improperly based his argument with the assumption that both types of data are the same size when it is readily

apparent both types of data differ in size in which case the Examiner's argument is inapplicable. This size difference is described in the paragraph beginning on line 22, page 6. Accordingly, in light of the above discussion, it is respectfully requested that rejection under 35 U.S.C. §112, second paragraph, of Claims 1 and 7 be withdrawn.

Regarding the rejection of Claims 1-4 under 35 U.S.C. §101, the Examiner states that claimed invention is inoperative and therefore lacks utility. It is respectfully submitted that the Examiner is incorrect. First, the Examiner is directed to the above-cited portions of the Specification which clearly disclose comparing the size of the data (which is a readily understood concept). Second, the specification discloses that the size of the text and graphic data differs greatly. Accordingly, it is readily understood that a threshold value can be set appropriately to the size of the expected data (e.g., see the paragraph beginning on line 22, page 6). Moreover, the previously mentioned paragraph clearly discloses, setting the threshold and comparing the captured display data to the predetermined threshold to determine the type of the data. Third, regarding the Examiner's assumption that "both types of capture display data are equal in size" (Office Action, Page 4), it is respectfully submitted that the Examiner is incorrect as above-referenced paragraph teaches otherwise. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. §101 of Claims 1-4.

Regarding the rejection of independent Claim 1 under §103(a), the Examiner states he has disregarded the limitation "determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold," (Office Action Page 3), and that Anderlind teaches all other limitations of Claim 1, except for data being the captured

display data, which the Examiner states is taught by Wang. With regard to the disregarded limitations, it is respectfully requested all the limitations of Claim 1 be examined.

Anderlind teaches the step of determining whether the display data is text data or graphic data. With reference to FIG. 4, Anderlind teaches filtering the received data message based on a comparison between the detected profile attributes and the stored profile attributes (e.g., Step 18, FIG. 4)). In other words Anderlind teaches using the content of a data message to filter (e.g., see Column 10, Lines 11-16). Anderlind further teaches that this filtering generally refers to passing all or a portion of a received data message or blocking all or a portion of the received data message from receipt at a particular mobile station 26. Moreover, Anderlind teaches the filtering step is performed by a wireless data server as opposed to the mobile station, which teaches away from the present invention. Anderlind does not teach or suggest determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold, as recited in Claim 1. Moreover, this deficiency is not cured by Wang.

Accordingly for at least the above-stated reasons, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 1 be withdrawn.

Regarding the rejection of independent Claim 7 under §103(a), Claim 7 has been amended. It is also respectfully requested that all the limitations of Claim 7 be examined.

The Examiner states that Anderlind teaches entering a text data transmission function select mode and displaying a plurality of available text transmission functions as menu items if

the display data is text data and entering a graphic data transmission function select mode and displaying a plurality of available graphic transmission functions as menu items if the display data is graphic data. As stated above, Anderlind teaches using the content of a data message to filter a message using a wireless data server as opposed to the mobile station. Although Anderlind teaches allowing the subscriber to determine an active profile and to filter messages before they are transmitted, Anderlind does not teach or suggest the recitation of entering a text data transmission function select mode and displaying a plurality of available text transmission functions as menu items if the display data is text data and entering a graphic data transmission function select mode and displaying a plurality of available graphic transmission functions as menu items if the display data is graphic data, as recited in Claim 7. In other words, different menu items are displayed depending on the display data's type. Moreover, Anderlind's deficiency is not cured by Wang.

Amended Claim 7 also includes the recitation of determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold, which is neither taught nor suggested by Anderlind or Wang or the combination thereof.

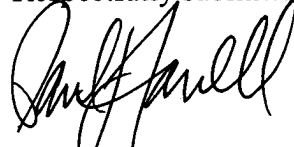
Accordingly for at least the above-stated reasons, it is respectfully requested the rejection under 35 U.S.C. §103(a) of Claim 7 be withdrawn.

Independent Claims 1 and 7 are believed to be in condition for allowance. Without

conceding the patentability per se of dependent Claims 2-4, 8-9, and 12-13, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4, 8-9, and 12-13, is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-4, 7-9, and 12-13, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul W. Farrell", written in a cursive style.

Paul W. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

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